



RCE/1648

**REQUEST FOR CONTINUED EXAMINATION
(RCE) TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application No.: 09/581,976
Filing Date: 20 June 2000
First Named Inventor: Dalemans, et al.
Group Art Unit: 1648
Examiner: B. Li
Attorney Docket No.: B45124

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, MAIL STOP: RCE, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

NAME: Christina M. Doyle

DATE: 28 October 2003

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000) 1233 Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____.
(Any unentered amendment(s) referred to above will be entered)
- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- iii. Other _____

b. Enclosed

- i. Amendment/Reply 7 pages
- ii. Affadavit(s)/Declaration(s) 4 pages
- iii. Information Disclosure Statement (IDS) 1 pages
- iv. Form PTO 1449 1 pgs. & 5 References
- v. Return Receipt Postcard (MPEP 503) (specifically itemized)
- vi. Other drawings 6 sheets, sequence listing, diskette, statement to support

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103 (c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)

b. Other _____

3. FEES The RCE fee under 37 C.F.R. § 1.117(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees or credit any overpayments, to

Deposit Account No. 19-2570.

General Authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extensions of time, relating to this application. (37 CFR 1.136(a)(3))

i. RCE fee required under 37 C.F.R. § 1.17(e). \$770.00

ii. (0) Month Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) \$0.00

iii. Additional Fees

iv. **Total Fee to be charged to Deposit Account 19-2570 \$770.00**

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RESPECTFULLY SUBMITTED,

Signature Jason C. Fedon
NAME Jason C. Fedon

Registration No. 48,138



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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS,

WASHINGTON, D.C. 20231, ON OCTOBER 28, 2003

Christina M. Doyle

Name of Person Certifying the Documents

Christina M. Doyle

Signature of Person Certifying the Documents

Attorney Docket No.: B45124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dalemans, *et al.*

October 28, 2003

Serial No.: 09/581,976

Group Art Unit: 1648

Filed: 20 June 2000

Examiner: Bao Q. Li

For: Vaccine

Assistant Commissioner for Patents
Box RCE
Washington, D.C. 20231

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.114

In response to the Notice of Allowance mailed July 28, 2003, the Applicants respectfully request continued examination under 37 C.F.R. §1.114. Transmitted herewith are:

- 1) Drawings in acknowledgement of the objections in the Notice of Draftperson's Patent Drawing Review,
- 2) Supplemental Information Disclosure Statement (IDS), which cites references discussed in a previous response on June, 28, 2001, and a declaration filed on January 28, 2002.
- 3) Re-submission of a declaration by Catherine Gerard that clarifies the references cited.
- 4) New sequence listing amending "Heamophilus influenza" to "Haemophilus influenzae"

Serial No.: 09/581,976
Group Art Unit No.: 1648
Class-Subclass 424-192100

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.